

IN THE 1ST COURT OF APPEALS, HOUSTON, TX

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MICHAEL W. GIOFFREDI)	FILED IN
)	1st COURT OF APPEALS
)	HOUSTON, TEXAS
)	2/14/2022 10:11:00 AM
Plaintiff,)	CHRISTOPHER A. PRINE
)	Clerk
v.)	Case No. 01-21-00627-CV
)	
THE RETREAT AT RIVERSTONE,)	
)	
Defendant)	
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REQUEST FOR SUPPLEMENTAL CLERK RECORD

In regards to the County Clerk Record, the transcript is missing all of my exhibits designated by both parties.

All 36 video exhibits are on file with the County Clerk and should have been sent with the original transcript. In accordance with Tex. R. App. P. 34.5(c)(1) I request that the Appellate Court direct the County Clerk to prepare, certify, and file in the appellate court a supplement containing these omitted items.

All non-video exhibits are missing from the transcript. My document exhibits total about 220 pages plus labels. However, the County Clerk has filed them grouped with the entirety of the Texas Rules of Civil Procedure and Texas Property Code and is now requesting an invoice amount of \$1,781.00 for a supplement containing my non-video exhibits. I have never designated that these additional items be included in the supplemental record and their inclusion by the County Clerk is clearly for the sole purpose of inflating the cost.

Under Tex. R. App. P. 34.5(b)(3) “if a party requests that more items than necessary be included in the clerk's record or any supplement, the appellate court may - regardless of the appeal's outcome - require that party to pay the costs for the preparation of the unnecessary portion.” In this regard, I consider the County Clerk to be liable under this rule as the entirety of the Texas Rules of Civil Procedure and Texas Property Code is clearly unnecessary. These items were originally submitted in accordance with a Court Rule that stated that anything brought to and referenced in the hearing had to be submitted prior to the hearing.

/s/ Michael W. Gioffredi, 2/12/2022

Michael W. Gioffredi

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CERTIFICATE OF SERVICE

I certify that on *2/12/2022*, a true and correct copy of this document properly was served to the following parties and respective counsel of record in accordance with the Texas Rules of Civil Procedure via email:

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Associated Case Party: MichaelWGioffredi

Name	BarNumber	Email	TimestampSubmitted	Status
Michael WGioffredi		MichaelGioffredi@gmail.com	2/12/2022 9:15:57 AM	SENT

Associated Case Party: A'drianna Higginbotham

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A'drianna Higginbotham		adrianna@fultonstrahan.com	2/12/2022 9:15:57 AM	SENT

Associated Case Party: The Retreat at Riverstone

Name	BarNumber	Email	TimestampSubmitted	Status
Kelli Ashcraft		riverstone@allied-orion.com	2/12/2022 9:15:57 AM	SENT